

Remarks/Arguments

This paper is submitted responsive to the Office Action mailed February 19, 2010. Reconsideration of the application in light of the accompanying remarks is respectfully requested.

In the office action, independent claims 1, 10 and 17 are finally rejected as obvious over Finn et al. in view of Steele. In the last applicant response, it was pointed out that the view of figure 5 shown in Steele does not in fact show a plurality of openings corresponding to the subject matter of claims 1, 10 and 17. Responding to that argument, the Examiner states that Steele has not been cited as teaching openings, and instead that Finn et al. teaches an opening. It is noted, however, that the recitation of the rejection includes a statement from the Examiner that "Steele et al. disclose that several solid oxide fuel cells may be placed in an array with several openings (see fig. 51; col. 5 lines 11-40, col. 7 lines 25-60)". Thus, in fact, the rejection does indeed recite that Steele teaches the several openings. As previously pointed out, the passages and figure cited by the Examiner do not in any way show the plurality of openings called for in claims 1, 10 and 17. Based upon the foregoing, withdrawal of the rejection is respectfully requested.

It is also noted that if Steele is not being taken as teaching a plurality of openings, then this subject matter is believed to be absent from the scope of the prior art as cited by the Examiner. Finn et al. teach only a single frame and opening. Even if one were to take the teachings of an array of cells as suggested by the Examiner from Steele, this still leaves the subject matter of the frame

defining a plurality of openings and a plurality of fuel cells positioned in the openings. Whatever the teaching in Steele is that avoids any need or desire for a plurality of openings would, it is submitted, be taken into account by a person skilled in the art, and no modification of these references as is done by the Examiner would in fact result. Based upon the foregoing, reconsideration of the rejection of claims 1, 10 and 17 based upon Finn et al. and Steele is respectfully requested.

An earnest and thorough effort has been made to respond to all points raised in the office action and to place the application in condition for allowance. If upon consideration of this paper the Examiner is of the opinion that issues remain which could be addressed by telephone interview, the Examiner is invited to telephone the undersigned to discuss same.

Based upon the foregoing, it is believed that independent claims 1, 10 and 17 define patentably over the art of record. Dependent claims 2-7 and 11-16 all depend directly or indirectly from claim 1 and are also believed to be allowable.

A two month extension of time has been authorized along with filing of this paper. It is believed that no additional fee is due. If, however, any such fee is due, please charge same to Deposit Account 02-0184.

Respectfully submitted,

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